



Sentencing Act 2020

2020 CHAPTER 17

THIRD GROUP OF PARTS Disposals

PART 5

ABSOLUTE AND CONDITIONAL DISCHARGE

82 Effect of discharge

- (1) This section applies where—
 - (a) an order for absolute discharge, or
 - (b) an order for conditional discharge,is made in respect of an offence.
- (2) The conviction of that offence is to be deemed not to be a conviction for any purpose other than the purposes of—
 - (a) the proceedings in which the order is made, and
 - (b) in the case of an order for conditional discharge, any subsequent proceedings which may be taken against the offender under Schedule 2.

This is subject to subsection (3).

- (3) In the case of an order for conditional discharge, if the offender is sentenced (under Schedule 2) for the offence—
 - (a) the order ceases to have effect, and
 - (b) if the offender was aged 18 or over when convicted of the offence, subsection (2) ceases to apply to the conviction.
- (4) Without prejudice to subsections (2) and (3), the offender's conviction is in any event to be disregarded for the purposes of any enactment or instrument which—
 - (a) imposes any disqualification or disability upon convicted persons, or
 - (b) authorises or requires the imposition of any such disqualification or disability.
- (5) Subsections (2) to (4) do not affect—

Status: This is the original version (as it was originally enacted).

- (a) any right of the offender to rely on the conviction in bar of any subsequent proceedings for the same offence, or
 - (b) the restoration of any property in consequence of the conviction.
- (6) In subsection (4)—
- “enactment” includes an enactment contained in a local Act;
 - “instrument” means an instrument having effect by virtue of an Act.
- (7) Subsection (2) has effect subject to the following (which concern rights of appeal)—
- (a) section 50(1A) of the Criminal Appeal Act 1968, and
 - (b) section 108(1A) of the Magistrates’ Courts Act 1980.

Nothing in this subsection affects any other enactment that excludes the effect of subsection (2) or (4) for particular purposes.